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action of the creditor in selling the collateral also held within its rights, and not impeachable by stockholders of the debtor corporation, on the ground that the two corporations had common directors.

Trial—View by Jury—Conduct at View.—The Idaho Supreme Court in *State v. Baker*, 156 Pacific Reporter, 103, affirms the conviction of defendant for assault with a deadly weapon. The instrument used is ordinarily regarded as a symbol of peaceful domesticity. It is described as "a certain broom being of a total length of about 53 inches and the handle of which was about 40 inches in length and about 1 inch in diameter, and made of a certain hard wood." The opinion, however, deals only with the alleged misconduct of the jury during a view of the premises where the assault occurred.

The foreman of the jury made a demonstration with a broom, as did other jurors in order to determine whether or not a "lick" could be made as claimed at the trial. There was also some conversation between the jurors and bystanders regarding the position of certain furniture at the time of the assault. The presence of the trial judge at the view was waived, and not until after trial was the judge aware of the facts. The opinion delivered for the court by Judge Bothwell reads in part:

"For the purpose of this opinion, it is unnecessary to enter into a discussion of the different theories announced by the courts in defining the nature and effect of a view. Suffice it to say, we have found no case under any of the theories that goes so far as to hold that a demonstration such as was indulged in by certain of the jurors in the presence of the jury in this case is within the meaning of a view. On the contrary, a number of cases hold that experiments made by the jurors is the taking of evidence other than a view of the premises (see *Hays v. Territory*, 7 Okla. 15, 54 Pac. 300; *People v. Conkling*, 111 Cal. 616, 44 Pac. 314; *State v. Landry*, 29 Mont. 218, 74 Pac. 418; *State v. Miller*, 61 Wash. 125, 111 Pac. 1053, Ann. Cas. 1912B, 1053; *State of Nevada v. Lopez*, 15 Nev. 407; *People v. Thorn*, 156 N. Y. 286, 42 L. R. A. 368, and cases there cited), and we must hold that the demonstration by the jurors with the broom and the statements by Mrs. Bessie Myers and Laura Henroid in the presence of the jury was receiving evidence other than a view, within the meaning of § 7878, Rev. Codes."

However, defendant's motion for new trial was denied because of his failure to act promptly upon the return of the jury to the court room.